(3)

IN THE CHHATTISGARH HIGH COURT OF JUDICATURE

AT BILASPUR (C.G.)

W.P. No - - 270 - - /2003

BETWEEN

PETITIONER : RAM DHANI RAM VISHWAKARMA
AGE-61 YEARS
SON OF SHRI BHAROSA VISHWAKARMA
RETIRED ACCOUNTANT
FROM : JANPAD PANCHAYAT, DANTEWADA
R/O KAILASH NAGAR, DANTEWADA
TAH. & DIST. - DANTEWADA (C.G.)

P.R. No. - 16.9.03
Presented by Shri H.S. Patel
on - 15.9.03

VERSUS

RESPONDENTS :
1. STATE OF CHHATTISGARH
THROUGH - THE SECRETARY
TRIBAL WELFARE DEPARTMENT
D.K.S. BHAWAN, RAIPUR.

2. THE DIRECTOR,
TRIBAL WELFARE DEPARTMENT
PT.R.S.U. CAMPUS,
CHHATTISGARH, RAIPUR..

3. DIVISIONAL DEPUTY COMMISSIONER
TRIBAL DEVELOPMENT,
BASTER DIVISION, JAGDALPUR.

4. THE COLLECTOR,
TRIBAL DEVELOPMENT,
DISTRICT-DANTEWADA (C.G.)

WRIT PETITION UNDER ARTICLE - 226 OF CONSTITUTION OF INDIA

1. PARTICULARS OF THE PETITIONER : As above in cause title.

2. PARTICULARS OF THE RESPONDENTS : As above in cause title.

शपथ आयुक्त
एस.के. शुक्ला
बिलासपुर (म.प्र.)
बिलासपुर तहसील कोर्ट

Contd..2...

(85)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 270 of 2003

Petitioner Ramdhani Ram Vishwakakrma

Versus

Respondents State of Chhattisgarh & others

Shri R.K. Kesharwani, Advocate for the petitioner.

Shri V.V. S. Moorthy, Deputy Advocate General with Shri Sunil Otwani, Panel lawyer for the respondents.

ORAL O R D E R

(8th May 2006)

This order of the Court was passed by Justice Satish K. Agnihotri.

1. Learned counsel for the petitioner submit that the petitioner has filed this petition seeking following relief:-

"7-A- Your lordship may be pleased to quash the punishment order, dt. 10.3.99 vide Annexure P/2 and to regularise the suspension period from 21.8.85 to 31.5.89 with 18% interest p.a.

B- Your lordship may be pleased to pass direction to the Respondents for granting two higher pay scale (Kramonnati) in view of instruction of the State Govt. vide Annexure P/7 & P/8 with consequential benefits of services.

C- Your lordship may be pleased to issue a mandamus of writ/direction or order to the Respondents to settle the pension case of the Petitioner positively.

D- Any other relief as may be deemed fit.

E- Cost of petition may be awarded."

2. With regard to the prayer 7-A, learned counsel appearing for the petitioner submits that the petitioner is not pressing the prayer to quash the punishment order dated 10.3.99. With regard to the second part of

(86)

the prayer 7-A, learned counsel appearing for the respondents submits on the basis of the return filed by the respondents, as under:-

> "2. It is submitted that the relief(s) that have been sought for by the petitioner through this petition, the relief of regularizing the suspension period from 21-8-1985 to 31-5-1989 has already been regularized as can be verified from the service record/service book of the petitioner. The petitioner has also been granted arrears of the difference of wage for the period during which the petitioner was placed under suspension."

3. With regard to prayer 7-B, it is submitted by learned counsel for the respondents on the basis of the return filed by the respondents that the question for granting of the benefit of time bound higher pay scale (kramonnati pay scale), is under consideration with the appropriate authority. In that event, the respondents are directed to decide the case of the petitioner for grant of time bound higher pay scale (kramonnati pay scale), within a period of six weeks.

4. With regard to prayer 7-C settlement of pension case of the petitioner, learned counsel further on the basis of the return filed by the respondents submits, as under :-

> "12. Reply to para 5.11: The contents stated in this paragraph are categorically denied. It is further submitted that the petitioner has in this petition suppressed material fact that the period of suspension has already been regularized and the petitioner has also been paid the difference of wage for the period of suspension. As regards the payment of pension of the petitioner is concerned it is submitted that the petitioner is being granted provisional pension of 90% of his pension i.e. Rs. 2700/- out of Rs. 3000/-. As regards the settlement of the pension case of the petitioner is concerned it is for the petitioner to fill the requisite forms and complete all the formalities for the purpose of processing of his final pension which the petitioner having not done, his pension should not be processed and decided. It is submitted that if the petitioner fulfills the requirement by filling the requisite forms for

(87)

the granting of full pension the same shall be processed and finalized at the earliest."

5. In view of the above stated submissions made by learned counsel for the respondents, on the basis of the return filed by the respondents, nothing survives in this matter. However, the petitioner is directed to file appropriate applications in the requisite form and complete all the formalities for the purpose of settling his final pension within a period of one month. Thereafter, the respondents are directed to complete the formalities and settle the pension within a period of four weeks.

6. For the reasons stated above, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu